

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE, WSBN 32245
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration
MICHAEL J. MULLEN, WSBN 54288
Special Assistant United States Attorney
6401 Security Boulevard
Baltimore, Maryland 21235
Telephone: (206) 615-2748
E-Mail: michael.j.mullen@ssa.gov
Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

ERICA RAE MCGEE,)	Case No.: 2:24-cv-01069-AC
)	
Plaintiff,)	STIPULATION FOR REMAND
)	[PROPOSED] ORDER
vs.)	
)	
MARTIN O'MALLEY,)	
Commissioner of Social Security,)	
)	
Defendant.)	

The parties, through their respective counsel, STIPULATE to the following matters. The Commissioner's final decision shall be reversed and remanded for further administrative proceedings before an Administrative Law Judge (ALJ). Upon remand, the Appeals Council will vacate the prior ALJ decision and instruct an ALJ to offer Plaintiff the opportunity for a hearing, further develop the record, and issue a new decision.

Remand shall be made under sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff shall be entitled to reasonable attorney fees and expenses pursuant to 28 U.S.C. § 2412(d), upon proper request to this Court.

Respectfully submitted,

Dated: August 7, 2024

/s/ Francesco P. Benavides
FRANCESCO P. BENAVIDES
Attorney for Plaintiff
(*signature authorized via e-mail Aug. 5, 2024)

Dated: August 7, 2024

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Office of Program Litigation, Office 7

By: /s/ Michael J. Mullen
MICHAEL J. MULLEN
Special Assistant U.S. Attorney
Attorneys for Defendant

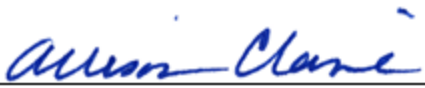
OF COUNSEL TO DEFENDANT:

ANTHONY M. SERDYNski, JR.
Attorney, Office of Program Litigation, Office 7
Office of the General Counsel
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235
Email: anthony.serdynski@ssa.gov

[PROPOSED] ORDER

Pursuant to the parties' Stipulation, and for good cause shown, IT IS SO ORDERED that this case is REMANDED for further administrative proceedings. Upon remand, the Appeals Council shall instruct the ALJ to offer the claimant the opportunity for a hearing, further consider the claimant's ability to do other work at step five of the sequential evaluation process, take any further action needed to complete the administrative record, and issue a new decision.

Dated: August 9, 2024



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE